

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

UNITED STATES OF AMERICA

v.

DAMON TYLER MILLS

Defendant

)
)
) **Case No. 7:23-cr-000047**
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**UNITED STATES’ REPLY TO DEFENDANT’S RESPONSE TO THE UNITED
STATES’ MOTION *IN LIMINE* REGARDING REFERENCE TO POTENTIAL
SENTENCES OR PUNISHMENT**

The defendant has conceded that his “potential sentence is not relevant to his guilt or innocence.” ECF 73 at 4. Thus, this court should grant the government’s motion prohibiting reference to potential sentences or punishment as it relates to him. Instead, in nominally opposing the motion, the defendant focuses on his Sixth Amendment right to confront the government’s witnesses and to question them regarding their criminal histories and their potential for a sentence reduction. But the government’s motion quite clearly refers only to argument or testimony about the punishment that *the defendant* might face. *See, e.g.*, United States’ Mot. (ECF No. 63), at 1 (“A defendant is not entitled to inform the jury about the sentence he faces if convicted.”), 2 (“[T]he Court should preclude evidence and argument designed to make the jury sympathetic to the impact and personal consequences of a conviction upon the defendant or his family.”), 3 (“[T]he United States respectfully requests that the defendant be precluded from referring to, or offering any evidence about, the sentence, punishment, or other consequences *he* might receive” (emphasis added)). The defendant’s response is a non sequitur.

Therefore, the government requests this court grant its motion.

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CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2025, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for Defendant.

/s/ John W. Beamer
Special Assistant United States Attorney